



10-11

EXPRESS MAIL NO. EV170134262US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM***(To be used for all correspondence  
after initial filing)*



Application Number	10/010,940
Filing Date	December 5, 2001
First Named Inventor	Jiangchun Xu
Group Art Unit	
Examiner Name	
Attorney Docket No.	210121.427D3

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Declaration	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Cited References	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<u>Communication to Examiner;</u>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<u>Copy of Specification</u>
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53	<input type="checkbox"/> Small Entity Statement	<u>(numbered); Copy of</u>
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Request for Refund	<u>Declaration; Copy of Decision</u>
		<u>Granting Petition; Copy of</u>
		<u>Postcard from Application; Copy</u>
		<u>of PTO/SB/17 from Petition</u>
		<u>Under CFR § 1.53(e)(2).</u>

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	William T. Christiansen, Ph.D. Reg. No. 44,614	 <b>00500</b> PATENT TRADEMARK OFFICE
Signature		
Date	October 9, 2002	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date:



RESS MAIL NO. EV170134262US

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **110**

## Complete if Known

Application Number	10/010,940
Filing Date	December 5, 2001
First Named Inventor	Jiangchun Xu
Examiner Name	
Group Art Unit	
Attorney Docket No.	210121.427D3

## METHOD OF PAYMENT

☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:  
Deposit Account Number **19-1090**  
Deposit Account Name **Seed Intellectual Property Law Group PLLC**

The Commissioner is authorized to (check all that apply)  
☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies to the above-identified deposit account.

☐ Applicant claims small entity status. See 37 CFR 1.27.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

## 2. EXTRA CLAIM FEES

	Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
				*	*	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1440	2254	720	Extension for reply within fourth month	
1255	1960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1280	1453	640	Petition to revive - unintentional	
1501	1280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110)

## SUBMITTED BY

Name (Print/Type)	William T. Christiansen, Ph.D.	Registration No. Attorney/Agent	44,614
Firm Name/Address			
Signature		Date	October 9, 2002



00500

PATENT TRADEMARK OFFICE



ess Mail No. EV170134262US

Express Mail No. EV020665923US

20121.427D3

JEH:sds

Box Patent Application  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

SENT: December 5, 2001  
NEW APPLICATION

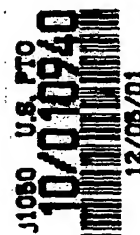
PLEASE STAMP WITH APPLICATION NO. AND RETURN

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Form PTO/SB/05; Application Data Sheet; Preliminary Amendment; Copy of Spec., Claims, Abstract (128 pages); Copies of Drawings (12 pages - Figs. 1-11); Copy of Declaration and Power of Attorney; Sequence Listing (208 pages); Declaration for Sequence Listing; Diskette for Sequence Listing; in re: Jiangchun Xu et al., for COMPOSITIONS AND METHODS FOR THERAPY AND DIAGNOSIS OF PROSTATE CANCER.

D:\NrPortbl\lManage\SHARONS\239361\_1.DOCSEED INTELLECTUAL PROPERTY LAW GROUP PLLC

Filing Date  
Stamp



Application  
Number



# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete If Known  
Application Number 10/010,940  
Filing Date December 5, 2001  
First Named Inventor Jiangchun Xu  
Examiner Name  
Group Art Unit  
Attorney Docket No. 210121.427D3

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number 19-1090  
Deposit Account Name Seed Intellectual Property Law Group PLLC
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit any overpayment to Deposit Account Number above.  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 130

## SUBMITTED BY

Name (Print/Type) Julie Urvater  
Firm Name/Address  
Signature *Julie Urvater*  
Registration No. Attorney/Agent 50,461  
Date 3-7-02



00500

PATENT TRADEMARK OFFICE



#9

EXPRESS MAIL NO. EV170134262US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jiangchun Xu et al.  
Application No. : 10/010,940  
Filed : December 5, 2001  
For : COMPOSITIONS AND METHODS FOR THERAPY AND  
DIAGNOSIS OF PROSTATE CANCER

Examiner :  
Art Unit :  
Docket No. : 210121.427D3  
Date : October 9, 2002

Office of Initial Patent Examination  
Commissioner for Patents  
Washington, DC 20231

## COMMUNICATION

Commissioner for Patents:

In reply to the July 9, 2002, Decision Granting Petition under 37 C.F.R. § 1.53(e) (copy enclosed), Applicants provide herewith a substitute specification containing consecutively numbered pages. Also provided is a request for a one month extension of time under 37 C.F.R. § 1.136(a), making the extended deadline for providing this substitute specification October 9, 2002. The enclosed substitute specification is, to the best of my knowledge, and with the exception of the inserted page numbers, identical in content to the paper copy of the application originally filed on December 5, 2001. Please note that by inserting page numbers and reprinting the application, while content is identical, the absolute number of pages has changed from 128 pages to 132 pages.

The Decision Granting Petition also notes that Applicants were required to file a basic filing fee, additional claims fees and an oath or declaration, along with an extension of time under 37 C.F.R. § 1.136(a), prior to a final deadline of August 11, 2002, *i.e.*, seven months from mailing of the Notice of Incomplete Nonprovisional Application. Applicants respectfully submit, however, that such requirements have already been satisfied by Applicants. First, regarding the declaration, pursuant to 37 C.F.R. § 1.63(d)(1)(iv), Applicants respectfully submit that a copy of the declaration as filed in the parent application may be submitted with a

continuation or, as in this case, a divisional application. A copy of the declaration from the parent application was timely filed with the subject application on December 5, 2001, as evidenced by the itemized postcard receipt mailed to Applicants by the P.T.O. (copy enclosed). For the convenience of the Examiner, however, an additional copy of the declaration is submitted herewith, and, as requested, the serial number of the present application is now specifically referenced by the declaration.

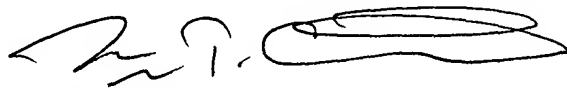
Applicants further submit that the filing fee requirement set forth in the Notice of Incomplete Nonprovisional Application has also been satisfied. In the fee transmittal form (PTO/SB/17) associated with Applicant's communication dated March 11, 2002 (copy enclosed), Applicants specifically authorized the Commissioner to deduct fees under 37 C.F.R. § 1.16 from Deposit Account Number 19-1090. Applicants note that filing fee requirements are specifically encompassed by 37 C.F.R. § 1.16, and, accordingly, the basic filing fee requirement of \$740 and the additional claim fees of \$280 should have been properly withdrawn from the referenced Deposit Account.

Examination of the subject application on the merits is earnestly requested. The Examiner is invited to contact the undersigned at (206) 622-4900, with any questions or comments concerning the above communication.

Respectfully submitted,

Jiangchun Xu et al.

SEED Intellectual Property Law Group PLLC



William T. Christiansen, Ph.D.

Reg. No. 44,614

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-603  
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UNITED STATES PATENT AND TRADEMARK OFFICE



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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 7

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JUL 09 2002

OFFICE OF PETITIONS

In re Application of  
Xu, et al.  
Application No. 10/010,940  
Filed: December 5, 2001  
Attorney Docket No. 210121.427D3: DECISION GRANTING  
: PETITION *Submit a Substitute Spec.*  
: *Sep 9, 2002*  
: ENTERED IN DOCKET

This is a decision on the petition under 37 CFR 1.53(e), filed March 11, 2002, requesting that the above-identified application be accorded a December 5, 2001 filing date.

The application was deposited on December 5, 2001. On January 11, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that the specification and drawings were omitted and as such, no filing date had been accorded to the application.

In response to the Notice, petitioners timely filed the present petition on March 11, 2002. Petitioners request a filing date of December 5, 2001 on the basis that the entire specification, was received in the Patent and Trademark Office (PTO) on March 11, 2002.<sup>1</sup> In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 5, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 128 pages of specification and 12 pages of drawings.

The return postcard constitutes *prima facie* evidence that 128 pages of specification and 12 pages of drawings were filed on December 5, 2001. Accordingly, the request is granted.

A review of the copy of the original specification submitted with the instant petition reveals that 128 pages are present, though not numbered. Because the whole specification was missing, the postcard receipt showing 128 pages were received by the Office on December 5, 2001 is sufficient evidence to justify the accordation of a December 5, 2001 filing date to the 128 pages submitted with the instant petition. Had only a few pages been missing from the original filing, this analysis would have been more complicated and the outcome possibly different. It would have been difficult to ascertain which pages were actually missing from the remaining non-numbered pages found in the application file.

Petitioners are reminded that 37 CFR 1.52(a)(5) requires that the pages of the specification be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below the text. Petitioners are required to submit a substitute specification with pages consecutively numbered within 2 months of the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

<sup>1</sup> The petition does not specifically address the fact that drawings were missing. However, Petitions Attorney Willis has addressed the issue of omitted drawings in this decision.


CORIXA 7-23-02  
cc: GSK

Pursuant to petitioners' authorization, deposit account no. 19-1090 will be refunded the \$130.00 petition fee.

Petitioners are reminded that the requirements that petitioners submit the basic filing fee, additional claim fees, an oath or declaration, and a surcharge for their late filing are still outstanding. Petitioners must buy an extension of time pursuant to 37 CFR 1.136(a) to file these items prior to the last possible date for reply, or August 11, 2002.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of December 5, 2001, using the 12 pages of drawings filed with the instant petition, and to await receipt of a substitute specification with numbered pages.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy